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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BASKIM HOLDINGS, INC., a Louisiana
corporation,

Plaintiff

v.

TWO M, INC. d/b/a BABE'S CABARET

Defendant

Case No.: 2:16-cv-01898-APG-GWF

**STIPULATION AND ORDER FOR
LIMITED EXTENSION OF DISCOVERY
DEADLINE TO COMPLETE
DEPOSITIONS**

Defendants, Two M, Inc. and Omar Aldabbagh, and plaintiff, Baskim Holdings, Inc., respectfully request that the Court extend the deadline for completion of depositions to June 12, 2017. In support of this request, the parties state:

1 1. The current discovery deadline is May 22, 2017. (ECF 16, 25)

2 2. Plaintiff has previously noticed the depositions of certain witnesses under
3 defendants' control, namely, Hilary Rush, Sara Bebee, Sarah Ruttenberg, Kelly Jones, Larry
4 Wexler and Omar Aldabbagh. Plaintiff has also served deposition subpoenas on three witnesses
5 not under defendants' control, namely, Peter Feinstein, Danny Romine and Ken Bowman. All of
6 these depositions were scheduled to take place over the three day period of May 17, 18 and 19,
7 2017.

8 3. On April 24, 2017, attorneys Martin I. Melendrez and Christopher A. Eccles,
9 were substituted as new counsel for defendants. (ECF 43). Defendants' new counsel are not
10 available to participate in the depositions currently scheduled for May 17, 18 and 19, 2017. New
11 defense counsel also require additional time to prepare for the depositions.

12 4. Additionally, defendants desire to take the deposition of plaintiff's damages
13 expert, Dr. Michael Einhorn. Defendants also desire to subpoena for deposition a non-party,
14 namely, the landlord of plaintiff's New Orleans, Louisiana licensee.

15 5. In light of defense counsel's very recent appearance in this case, the parties seek a
16 limited extension of the discovery deadline to allow the above-described depositions to occur on
17 or before June 12, 2017. More specifically, the parties have agreed on the following schedule:

- 18 a. Defendants will make the following witnesses available for deposition at
19 plaintiff's counsel's office over the three day period of June 7, 8 and 9, 2017:
20 Hilary Rush, Sara Bebee, Sarah Ruttenberg, Kelly Jones, Larry Wexler and Omar
21 Aldabbagh.¹

22 ¹ Defendants specifically reserve the right to seek a protective order quashing or limiting the
23 deposition of Omar Aldabbagh. Mr. Aldabbagh was previously produced for deposition as the
24 corporate representative for Two M, Inc. Defendants question whether Mr. Aldabbagh is
required to appear individually for deposition without plaintiff seeking leave of court.
Nonetheless, absent an Order from the Court quashing or limiting Mr. Aldabbagh's deposition,
defendants will produce him for deposition during June 7, 8 or 9, 2017.

1 b. Plaintiff will reschedule the depositions of Peter Feinstein, Danny Romine and
2 Ken Bowman, during the three day period of June 7, 8 and 9, 2017. If any of
3 these three witnesses are unavailable during that time period, the parties will work
4 together in good faith to schedule the deposition on or before June 12, 2017.

5 c. Plaintiff will make Dr. Michael Einhorn available for deposition at defense
6 counsel's office on June 12, 2017.

7 d. Defendant may issue a deposition subpoena to plaintiff's New Orleans, Louisiana
8 licensee's landlord, scheduling the deposition on or before June 12, 2017.²

9 6. Extending the time allowed to complete the above-described depositions will not
10 impact the trial schedule in this case. On the other hand, defendants would be greatly prejudiced
11 if the currently scheduled depositions were to occur on dates when counsel is not available;
12 defendants would also be prejudiced by the inability to depose plaintiff's damages expert.

13 7. On May 10, 2017, defendants filed an emergency motion seeking a 180-day
14 extension of the deadlines for discovery, dispositive motions and filing of the joint pre-trial
15 order. (ECF 45). Plaintiff opposes the extensions sought by defendants. This stipulation is not
16 meant to moot or supersede the relief sought by defendants in their pending motion.

17 WHEREFORE, the parties respectfully request that the Court enter an Order extending the
18 discovery deadline ONLY as to allow for the above-described depositions to occur on the dates
19 set forth above, all on or before June 12, 2017.

20 **IT IS SO ORDERED:**

21 Dated: May 15, 2017

22 
UNITED STATES MAGISTRATE JUDGE

23 ² Nothing herein is meant to preclude plaintiff or any third-party from seeking to quash or limit
24 the deposition of the landlord of plaintiff's licensee.

1
2
3 Dated this 12th day of May, 2017.

4
5 /s/ Greg Latham
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Dated this 12th day of May, 2017.

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